

MEMORANDUM

SUBJECT: Issuance of the Clean Air Act Stationary Source Compliance Monitoring Strategy

FROM: Michael Stahl, Director
Office of Compliance

TO: See Addressees

Attached you will find the revised Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS). This policy was developed by the Office of Compliance, working closely with the Office of Regulatory Enforcement, the Office of General Council, the Regions, and STAPPA/ALAPCO.

This revised policy replaces the 1991 CMS and we will begin implementing it immediately. Therefore, it is important that each Region discuss the policy and negotiate with the States/locals their FY 2002 air compliance monitoring programs consistent with the revised CMS. Our goal in updating the policy has been to take into account the changes that have occurred in the air program since CMS was last revised, while continuing to provide States/locals with flexibility in implementing compliance monitoring programs. This revised CMS also addresses the major concerns raised in the 1998 EPA Inspector General report on this issue. The major changes to CMS are as follows:

- (1) Emphasis has been placed on Title V major sources and a limited subset of synthetic minor sources.
- (2) Minimum frequencies have been recommended for determining the compliance status of facilities covered by this policy. Alternatives may be developed and negotiated with the Regions to enable States/locals to address important local compliance issues.
- (3) The policy explicitly recognizes that a variety of tools ranging from self-certifications to traditional stack tests are available and should be used to evaluate compliance. It further recognizes that on-site visits may not be necessary to evaluate the compliance status of a facility given the wide range of self-reported information such as annual Title V compliance certifications, deviation reports, and semi-annual monitoring reports based on

periodic monitoring and compliance assurance monitoring. However, to ensure a compliance presence in the field, a minimum frequency for on-site visits has been recommended.

(4) Three categories of compliance monitoring replace the current levels of inspection. The new compliance monitoring categories are: Full Compliance Evaluations, Partial Compliance Evaluations, and Investigations.

(5) CMS plans are no longer required to be submitted every year, but may be submitted once every two years.

To facilitate implementation of the revised CMS in FY 2002, changes are currently being made to the Aerometric Information Retrieval System/AIRS Facility Subsystem (AIRS/AFS) and are being incorporated in the Information Collection Request, "Source Compliance and State Action Reporting," OMB Number 2060-0391. Specifically, changes are being made to the system to provide for additional collection activities associated with identifying facilities; conducting compliance evaluations; and inputting information on Title V compliance certifications and stack tests. Changes to the system are scheduled to be completed by the end of this fiscal year.

I appreciate the support your offices provided during the development of this policy and look forward to your continued support as we implement CMS. In the upcoming weeks, we plan to provide training to the Regions/States/locals on the overall policy, as well as the resulting changes to AIRS/AFS. We will be working with your offices to develop the training schedule. In the meantime, if you have any questions or comments, please contact Mamie Miller at (202) 564-7011.

Attachment

Addressees:

Director, Office of Ecosystem Protection, Region I
 Director, Division of Enforcement and Compliance Assistance, Region II
 Director, Air Protection Division, Region III
 Director, Air, Pesticides, and Toxics Management Division, Region IV
 Director, Office of Enforcement and Compliance Assurance, Region V
 Director, Compliance Assurance and Enforcement Division, Region VI
 Director, Air, RCRA, and Toxics Division, Region VII
 Assistant Regional Administrator, Office of Enforcement, Compliance,
 and Environmental Justice Region VIII
 Director, Air Division, Region IX
 Director, Office of Air, Region X

cc: Eric Schaeffer, Office of Regulatory Enforcement
 Michael Alushin, Office of Compliance

Ken Gigliello, Office of Compliance
Fred Stiehl, Office of Compliance
Bruce Buckheit, Office of Regulatory Enforcement
Rich Biondi, Office of Regulatory Enforcement
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